APPENDIX I.

[Vide item V (1) on page 257 supra.]

[L.A. Bill No. 24 of 1960. (As passed by the Assembly).]

A Bill to provide for the prevention of slums and for the speedy eviction of unauthorized occupants from public premises in the State of Madras.

WHEREAS there are a number of unauthorized occupants in public premises in the State of Madras;

AND WHEREAS the number of such occupants is recently on the increase;

AND WHEREAS such unauthorized occupants are likely to create slums and to cause danger to public health and sanitation;

AND WHEREAS it is expedient to provide for the prevention of slums and for the speedy eviction of unauthorized occupants from public premises in the State of Madras;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Public Premises (Eviction of Unauthorized Occupants) Act, 1960.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different areas.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) " City Improvement Board " means the Board of Trustees for the Improvement of the City of Madras constituted under section 3 of the Madras City Improvement Trust Act, 1950 (Madras Act XXXVII of 1950);

(*b*) " competent authority " means any person or authority authorized by the Government, by notification, to perform the functions of the competent authority under this Act for such area or in relation to such class of public premises as may be specified in the notification;

(*c*) " Government " means the State Government;

(*d*) " local authority " shall have the meaning assigned to it in clause (20) of section 3 of the Madras Public Health Act, 1939 (Madras Act III of 1939), and shall include a panchayat constituted under the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950);

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(*e*) " premises " means any land or any building or hut or part of a building or hut and includes—

(i) gardens, grounds and outhouses, if any, appertaining to such building or hut or part of a building or hut, and

(ii) any fittings affixed to such building or hut or part of a building or hut for the more beneficial enjoyment thereof;

(*f*) " public premises " means—

(i) any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Government;

(ii) any premises belonging to, or vested in, a local authority;

(iii) any premises belonging to, or vested in, the City Improvement Board;

(*g*) " unauthorized occupation " in relation to any public premises, means the occupation, within a period of six months immediately before the date of the commencement of this Act or at any time after such date, by any person, of the public premises without lawful authority for such occupation.

3. *Eviction of unauthorized occupants*.—(1) If the competent authority, after making such inquiry as it deems fit, is satisfied that any public premises are in unauthorized occupation, it may, for reasons to be recorded in writing, make an order of eviction directing that the public premises shall—

(i) in the case of buildings, within ten days from the date of the proclamation referred to in clause (*b*) of sub-section (2), and

(ii) in other cases, within three days from the date of such proclamation,

be vacated by all persons who may be in occupation thereof or any part thereof.

(2) (*a*) The competent authority shall, before the date of the proclamation referred to in clause (*b*), cause a copy of the order made by it under sub-section (1) to be affixed on the outer door or some other conspicuous part of the public premises.

(*b*) (i) An officer specially authorized by the competent authority in this behalf shall cause the order made under sub-section (1) to be proclaimed by beat of drum or tom-tom in or near the locality concerned and thereupon, such order shall be deemed to have been duly served on all persons concerned.

(ii) The officer specially authorized by the competent authority under sub-clause (i) shall record a certificate stating the date of the proclamation and such certificate shall be conclusive proof of the fact and the date of such proclamation.

4. *Taking possession of public premises in cases of refusal or failure to comply with order of eviction*.—If any person refuses or fails to comply with the order of eviction, the competent authority or any person specially authorized by it in this behalf may evict that person from, and take possession of, the public premises and may, for that purpose, use such force as may be necessary.

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5. *Disposal of property left on the public premises by unauthorized occupants.*—(1) Where any person has been evicted from any public premises under this Act, the competent authority may, after giving seven days' notice to the person from whom possession of the public premises has been taken and after publishing the notice in such manner as may be prescribed, remove or cause to be removed or disposed of by public auction, any property remaining on such premises.

(2) Where any property is sold under sub-section (1), the sale proceeds shall, after deducting the expenses of the sale and the amount, if any, due to the Government or the local authority concerned or the City Improvement Board, as the case may be, on account of damages, be paid to such person or persons as may appear to the competent authority to be entitled to the same :

Provided that where the competent authority is unable to decide as to the person or persons to whom the balance of the amount is payable, or as to the apportionment of the same, it may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be final.

6. *Appeals.*—(1) An appeal shall lie to the Board of Revenue from every order of the competent authority made in respect of any public premises under sub-section (1) of section 3.

(2) The appeal under sub-section (1) shall be preferred within thirty days from the date of the proclamation referred to in clause (*b*) of sub-section (2) of section 3 :

Provided that the Board of Revenue may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) (*a*) The Board of Revenue may, for sufficient cause, order stay of the enforcement of the order of the competent authority pending the disposal of the appeal.

(*b*) No order for stay of enforcement shall be made under clause (*a*) unless the Board of Revenue is satisfied that the appellant is entitled to the possession of the public premises.

(4) Every appeal under this section shall be disposed of by the Board of Revenue as expeditiously as possible.

(5) The order of the Board of Revenue on appeal under this section, or the order of the competent authority under sub-section (1) of section 3 where no appeal is preferred under this section to the Board of Revenue within the period specified in sub-section (2) of this section shall, subject to the provisions of section 7, be final.

7. *Right of suit.*—(1) Where there has been an appeal under section 6 and it has been decided by the Board of Revenue or where there has been no appeal to the Board of Revenue and the period for preferring an appeal has expired, any party aggrieved by the final order of the Board of Revenue or the competent authority,

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as the case may be, may, within six months from the date of the order of the Board of Revenue on such appeal or from the date of expiry of the period for preferring the appeal, as the case may be, institute a suit in the civil court against the order of the Board of Revenue or the competent authority, as the case may be, and the civil court may, subject to the provisions of sub-section (2), modify or cancel such order.

(2) No civil court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding taken or about to be taken under this Act.

8. *Power to make rules.*—(1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the making of enquiries under this Act;

(*b*) the procedure to be followed in taking possession of public premises;

(*c*) the manner in which appeals may be preferred and the procedure to be followed in appeals;

(*d*) any other matter which has to be or may be prescribed.

(3) (*a*) All rules made under this Act shall be published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(*b*) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule made or notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session, in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

9. *Madras Act III of* 1905 *and Travancore-Cochin Act XIX of* 1951 *not to apply to unauthorized occupation as defined in this Act.*—Notwithstanding anything contained in the Madras Land Encroachment Act, 1905 (Madras Act III of 1905), and the Travancore-Cochin Land Conservancy Act, 1951 (Travancore-Cochin Act XIX of 1951), the provisions of those Acts shall, in any

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area in which this Act has come into force, cease to have effect in relation to any unauthorized occupation as defined in this Act, except as respects things done or omitted to be done before the date of the commencement of this Act.

10. *Exemptions.*—(1) The Government may, by notification, exempt any public premises or class of public premises or person or class of persons from all or any of the provisions of this Act or of any rules made thereunder, subject to such conditions and restrictions as the Government may impose.

(2) For the removal of doubts it is hereby declared that, where any public premises or class of public premises or person or class of persons are or is exempted from section 9 of this Act, the Madras Land Encroachment Act, 1905 (Madras Act III of 1905), or the Travancore-Cochin Land Conservancy Act, 1951 (Travancore-Cochin Act XIX of 1951), as the case may be, shall have effect in relation to such premises or person or persons with effect from the date of such exemption.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 5 (1) empowers the Government to prescribe the manner in which the notice referred to in that clause should be published.

Clause 8 empowers the Government to make rules by notification for carrying out the purposes of the Bill when enacted and also in respect of matters specifically enumerated in that clause.

These delegations are necessary to give effect to the provisions of the Bill when enacted and they are of a normal character.

TRUTH ALONE TRIUMPHS

APPENDIX II.

[Vide item V (2) on page 265 supra.]

[L.A. Bill No. 25 of 1960 (as passed by the Assembly).]

A Bill to amend the Madras General Sales Tax Act, 1959.

WHEREAS it is expedient to amend the Madras General Sales Tax Act, 1959 (Madras Act I of 1959), for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras General Sales Tax (Amendment) Act, 1960.

(2) Sections 3 and 4 shall be deemed to have come into force on the 1st April 1959.